

**Amendments to the Claims:**

This listing of claims will replace all prior versions and/or listings of claims in the application. Amendments to the claims were made to correct typographical errors.

**Listing of Claims:**

1-277. (cancelled)

278. (previously presented): A computer software program for determining a front mold, a back mold and a gasket which together produce a mold cavity, the mold cavity being configured to hold a lens forming composition, wherein the lens forming composition is curable by activating light to produce an eyeglass lens having a predetermined prescription and wherein the software program comprises a plurality of instructions configured to perform operations comprising:

analyzing prescription information to determine the front mold, the back mold, and the gasket for producing the eyeglass lens; and

determining curing conditions for a lens based on the eyeglass prescription.

279. (original): The computer software program of claim 278, wherein the prescription information comprises a sphere power, a cylinder power, and a lens location.

280. (currently amended): The computer software program of claim 278, wherein the prescription information comprises a sphere power, a cylinder power and a lens location, and wherein the prescription information is analyzed by correlating the sphere power, cylinder power and the lens location to ~~an record~~ a record in an information database.

281. (original): The computer software program of claim 279, wherein the prescription information further comprises monomer type and lens type.

282. (original): The computer software program of claim 278, wherein the prescription information comprises a sphere power, a cylinder power, an add power and a lens location.
283. (original): The computer software program of claim 278, wherein the prescription information comprises a sphere power, a cylinder power, an add power, and a lens location and wherein the prescription information is analyzed by correlating the sphere power, the cylinder power, the add power, and the lens location to a record in an information database.
284. (original): The computer software program of claim 282, wherein the prescription information further comprises monomer type and lens type.
285. (previously presented): The computer software program of claim 278, wherein the front mold member comprises a front mold identification marking, the back mold member comprises a back mold identification marking, the gasket member comprises a gasket identification marking, and wherein the front mold identification marking comprises an alphanumeric sequence, and wherein the back mold identification marking comprises an alphanumeric sequence, and wherein the gasket identification marking comprises an alphanumeric sequence.
286. (previously presented): The computer software program of claim 278, wherein the front mold member comprises a front mold identification marking, the back mold member comprises a back mold identification marking, the gasket member comprises a gasket identification marking, and wherein the operations further comprise producing a visual display of the front mold identification marking, the back mold identification marking, and the gasket identification marking subsequent to analyzing the prescription data.
287. (cancelled)

288. (previously presented): The computer software program of claim 278, wherein the operations further comprise controlling a lens curing unit, the lens curing unit being configured to cure the lens forming composition.
289. (currently amended): The computer software program of claim 278, wherein the operations further ~~comprise:~~  
\_\_\_\_\_  
\_\_\_\_\_~~comprise~~ controlling a lens curing unit, the lens curing unit being configured to cure the lens forming composition, wherein controlling the lens curing unit comprises operating the lens curing unit such that the curing conditions are produced.
290. (original): The computer software program of claim 278, wherein the operations further comprise allowing the eyeglass prescription to be altered after the eyeglass prescription is collected.
291. (original): The computer software program of claim 278, wherein the operations further comprise storing the eyeglass prescription on a computer readable media.
292. (previously presented): The computer software program of claim 278, wherein the operations further comprise controlling a coating unit, the coating unit configured to produce a coating on at least one of the mold members or the eyeglass lens.
- 293-442. (canceled)
443. (previously presented): The computer software program of claim 278, further comprising collecting prescription information which defines the eyeglass prescription.

**Response to Final Office Action Mailed May 1, 2003**

**A. Claims In the Case:**

Claims 278-286, 288-292 and 443 are pending. Claims 280 and 289 have been amended. The amendments to the claims correct typographical errors.

**B. The Claims Are Not Anticipated Over Kachel et al. Pursuant To 35 U.S.C. § 102(b)**

The Examiner rejected claims 278-284, 288-292 and 443 as being unpatentable over European Patent No. 03818164 A2 to Kachel et al. (herein "Kachel"). Applicant respectfully disagrees with these rejections.

The standard for "anticipation" is one of fairly strict identity. To anticipate a claim of a patent, a single prior source must contain all the claimed essential elements. *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 231 U.S.P.Q.81, 91 (Fed.Cir. 1986); *In re Donahue*, 766 F.2d 531, 226 U.S.P.Q. 619, 621 (Fed.Cir. 1985).

Clam 278 is directed towards a computer software program for determining a front mold, a back mold and a gasket which together produce a mold cavity, the mold cavity being configured to hold a lens forming composition, wherein the lens forming composition is curable by activating light to produce an eyeglass lens having a predetermined prescription that includes a combination of features including but not limited to "determining curing conditions for a lens based on the eyeglass prescription."

Applicant's specification states:

More particularly, the invention relates to a lens forming composition, system and method for making photochromic, ultraviolet/visible light absorbing, and colored plastic lenses by curing the lens forming composition using activating light. (Specification, page 1, lines 5-8)

Applicant submits that Kachel does not appear to teach or suggest determining curing conditions for eyeglass lenses that are cured by activating light. Kachel appears to teach an automated apparatus to fill mold forms and then placing the mold forms in an oven for thermal curing. Kachel states,

After all the gasket assemblies have been filled with resin, the operator places them in the oven or ovens 26 as the case may be. The ovens 26 subject the resin to a heat cycle which will cause solidification. The typical cycle time will be overnight, however, shorter cycle times may be utilized depending on the resin formulation.

(Kachel, page 16, lines 45-55).

Applicant respectfully submits that Kachel does not appear to teach or suggest the combination of the features of the claim including, but not limited to, the feature of: “determining curing conditions for a lens based on the eyeglass prescription.” As such, Applicant submits that claim 278 and the claims dependent thereon, are patentable over Kachel.

Claim 289 states in part, “wherein the operations further comprise controlling a lens curing unit, the lens curing unit being configured to cure the lens forming composition, wherein controlling the lens curing unit comprises operating the lens curing unit such that the curing conditions are produced.” Applicant submits that Kachel does not appear to teach or suggest a computer program that determines the curing conditions that includes operations to control a lens curing unit. Kachel appears to teach a computer program to control a mold filling apparatus and the use of independent preprogrammed ovens. Kachel states:

The control functions are initiated by manual or automatic switching functions provided by conventional sensors occurring throughout the operation of the apparatus 10, with the computer 32 providing control signals to sequence the operations of the apparatus 10 generally in accordance with the flow diagram illustrated in Fig. 17.

(Kachel, page 12, lines 41-44)

The sweeper 208 is then retracted [see Fig. 17R step “retract sweep arm”]. This condition is sensed by a switch that indicates that the sweeper 208 has been returned to the home position [see Fig. 17R, step “verify sweep home”]. If this condition is not verified, the sweep retraction cycle is repeated. The shuttle cylinder is activated to move it to the first position which is verified [see Fig. 17R, steps “shuttle stage position 1 cyl 1” and “verify state position 1 052”]. The

apparatus is now in condition for a second lens. [see Fig. 17R, function step "another lens same job"]. "After all the gasket assemblies have been filled with resin, the operator places them in the oven or ovens 26 as the case may be. (Kachel, page 16, lines 48-53).

As such, Applicant submits that of features of claim 289, in combination with the other features of the claim, are patentable over Kachel.

**C. The Claims Are Not Obvious Over Kachel Pursuant To 35 U.S.C. § 103(a)**

The Examiner has rejected claims 285-286 as being unpatentable Kachel. Applicant respectfully disagrees with these rejections.

In order to reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obviousness. *In re Warner et al.*, 379 F.2d 1011, 154 USPQ 173, 177-178 (C.C.P.A. 1967). To establish a *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP § 2143.03.

Clam 278 is directed towards a computer software program for determining a front mold, a back mold and a gasket which together produce a mold cavity, the mold cavity being configured to hold a lens forming composition, wherein the lens forming composition is curable by activating light to produce an eyeglass lens having a predetermined prescription that includes a combination of features including but not limited to "determining curing conditions for a lens based on the eyeglass prescription."

Applicant's specification states:

More particularly, the invention relates to a lens forming composition, system and method for making photochromic, ultraviolet/visible light absorbing, and colored plastic lenses by curing the lens forming composition using activating light. (Specification, page 1, lines 5-8)

Applicant submits that Kachel does not appear to teach or suggest determining curing conditions for eyeglass lenses that are cured by activating light. Kachel appears to teach an

automated apparatus to fill mold forms and then placing the mold forms in an oven for thermal curing. Kachel states,

After all the gasket assemblies have been filled with resin, the operator places them in the oven or ovens 26 as the case may be. The ovens 26 subject the resin to a heat cycle which will cause solidification. The typical cycle time will be overnight, however, shorter cycle times may be utilized depending on the resin formulation.

(Kachel, page 16, lines 45-55).

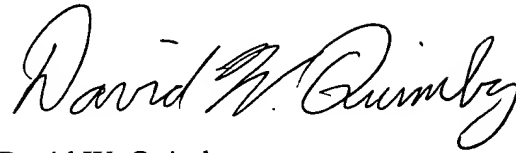
Applicant respectfully submits that Kachel does not appear to teach or suggest the combination of the features of the claim including, but not limited to, the feature of: “determining curing conditions for a lens based on the eyeglass prescription.” As such, Applicant submits that claim 278 and the claims dependent thereon (claims 285 and 286), are patentable over Kachel.

D. **Additional Comments**

Based on the above, Applicant submits that all claims are in condition for allowance. Applicant respectfully requests favorable reconsideration.

Applicant respectfully requests a three-month extension of time. If any further extension of time is required, Applicant hereby requests the appropriate extension of time. Applicant has enclosed a Fee Authorization for the extension of time fee. If any additional fees are required or if any fees have been overpaid, please appropriately charge or credit those fees to Meyertons, Hood, Kivlin, Kowert & Goetzl, P.C. Account Number 50-1505/5040-04207/EBM

Respectfully submitted,

A handwritten signature in cursive script, reading "David W. Quimby".

David W. Quimby  
Reg. No. 39,338

Attorney for Applicant

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.  
P.O. BOX 398  
AUSTIN, TX 78767-0398  
(512) 853-8800 (voice)  
(512) 853-8801 (facsimile)

Date: Nov. 3, 2003